

Senate Daily Reader

Wednesday, January 29, 2003

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State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

707I0299

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1033** - 01/27/2003

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain registration requirements regarding
2 convicted sex offenders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is registered as required by § 22-22-31 and who is employed, carries on a
7 vocation, or attends postsecondary classes at an institution of higher education, institution of
8 higher learning, or technical institute in this state shall, within ten days of any commencement
9 and within ten days of termination of such enrollment or employment, report to the chief of
10 police or county sheriff where the institution is located and complete a registration update form.

11 A violation of this section is a Class 1 misdemeanor. Any subsequent violation is a class 6 felony.

12 Section 2. That § 22-22-32 be amended to read as follows:

13 22-22-32. The registration shall include the following information:

14 (1) Name and all aliases used;

15 (2) Complete description, photographs, and fingerprints;



1 (3) Residence, length of time at that residence, and length of time expected to remain at
2 that residence;

3 (4) The type of sex crime convicted of; and

4 (5) The date of commission and the date of conviction of any sex crime committed;

5 (6) Social Security number on a separate confidential form;

6 (7) Driver license number and state of issuance;

7 (8) Whether or not the registrant is receiving or has received any sex offender treatment;

8 (9) Employer name, address, and phone number or school name, address, and phone
9 number;

10 (10) Length of employment or length of attendance at school; and

11 (11) Occupation or vocation.

12 Any failure to accurately provide the information required by this section is a Class 1
13 misdemeanor.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

771I0185

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 10** - 01/27/2003

Introduced by: The Committee on Local Government at the request of the Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the publication of
2 facsimile ballot.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-13-13 be amended to read as follows:

5 9-13-13. A notice of each municipal election shall be published once each week for two
6 successive weeks, the first publication may not be less than ten days prior to the election. A
7 facsimile of the official ballot shall be published ~~at least four days~~ in the calendar week prior to
8 each election. The notice and ballot shall be published in the official newspaper or newspapers
9 of the municipality as designated in § 9-12-6.

10 If no newspaper is published in the municipality, the notice shall also be posted in three of
11 the most public places in the municipality.

12 Section 2. That § 12-16-16 be amended to read as follows:

13 12-16-16. The county auditor shall publish in each official newspaper of the county,
14 facsimiles of the official ballots of ~~every~~ each election in which the voters of the entire county
15 participate. The facsimile shall be published once in each legal newspaper ~~at least four days~~ in



1 the calendar week prior to each election. The newspaper shall receive for the publications,
2 compensation at the same rate as the general display rate for the newspaper. The published
3 facsimile may be reduced in size proportionately up to fifty percent but in no case may the ballot
4 wording be in a type less than eight point. If a portion of a candidate ballot is not voted on in the
5 entire county, a facsimile of that portion of the ballot may be published simultaneously but
6 separate from the candidate ballot and shall contain a description of who will vote on that portion
7 of the ballot. If at least fifty percent of a ballot is blank, the blank portion does not need to be
8 printed. No political advertising may appear on the same page as the facsimile ballot.

9 Section 3. That § 13-7-8 be amended to read as follows:

10 13-7-8. The business manager of the school district shall publish in the official newspaper
11 notices of an election once each week for two consecutive weeks with the first publication not
12 less than ten days before the election. The notice shall state the date of the coming school
13 election, the vacancies to be filled with terms of each, the candidates who have filed for these
14 vacancies, questions, if any, to be submitted at the election, and the location of polling places.
15 A facsimile of the official ballot shall be published ~~at least four days~~ in the calendar week prior
16 to each election.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0276

SENATE TAXATION COMMITTEE ENGROSSED NO. **SB 35** - 01/22/2003

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to require retailers to electronically file sales and
2 contractors' excise tax returns and to electronically pay the tax.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45-27 be amended to read as follows:

5 10-45-27. Any person who is the holder of a sales tax permit or is a retailer whose receipts
6 are subject to sales tax in this state during the periods specified by this section shall make a return
7 and remittance to the Department of Revenue on forms prescribed and furnished by the
8 department in the following manner:

9 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
10 ~~return and remit the tax on or before the twentieth day of the month following each~~
11 ~~monthly period;~~

12 ~~—(2)—~~Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~
13 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
14 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
15 day of the month following each two-month period and remit the tax on or before the



1 second to the last day of the month following each two-month period;

2 ~~(3)(2)~~ Any person whose tax liability is one thousand dollars or more annually ~~and who~~
3 ~~remits, shall remit~~ the tax by electronic transfer to the state; and shall file the return
4 by electronic means. The person shall file the return on or before the twenty-third day
5 of the month following each monthly period and remit the tax on or before the second
6 to the last day of the month following each monthly period.

7 The secretary of revenue shall grant an exception for a period of two years from the
8 requirement to file and pay electronically, if requested by the taxpayer. However, the secretary
9 is not required to grant such exception after July 1, 2005. The secretary of revenue may grant
10 an exception from the requirement to file and pay electronically if the taxpayer does not have
11 internet or telephone access. The secretary of revenue may grant an extension of not more than
12 five days for filing a return and remittance. However, the secretary of revenue may grant an
13 extension for remitting the tax to a qualified business as provided in §§ 10-45-99 to 10-45-107,
14 inclusive, for six months.

15 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return
16 or remittance is not made on time.

17 Section 2. That § 10-46A-1.6 be amended to read as follows:

18 10-46A-1.6. Any person who is the holder of a contractor's excise tax license or is a
19 contractor whose receipts are subject to contractor's excise tax in this state during the periods
20 specified by this section shall make a return and remittance to the Department of Revenue on
21 forms prescribed and furnished by the department in the following manner:

22 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
23 ~~return and remit the tax on or before the twentieth day of the month following each~~
24 ~~monthly period;~~

1 ~~—(2)—~~ Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~
2 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
3 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
4 day of the month following each two-month period and remit the tax on or before the
5 second to the last day of the month following each two-month period;

6 ~~(3)~~(2) Any person whose tax liability is one thousand dollars or more annually ~~and who~~
7 remits, shall remit the tax by electronic transfer to the state; and shall file the return
8 by electronic means. The person shall file the return on or before the twenty-third day
9 of the month following each monthly period and remit the tax on or before the second
10 to the last day of the month following each monthly period.

11 The secretary of revenue may grant an exception from the requirement to file and pay
12 electronically for hardship. The secretary of revenue may grant an extension of not more than
13 five days for filing a return and remittance. Unless an extension is granted, the person with the
14 tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is
15 not made on time.

16 Section 3. That § 10-46B-1.4 be amended to read as follows:

17 10-46B-1.4. Any person who is the holder of a contractor's excise tax license or is a
18 contractor whose receipts are subject to contractor's excise tax in this state during the periods
19 specified by this section shall make a return and remittance to the Department of Revenue on
20 forms prescribed and furnished by the department in the following manner:

21 (1) ~~Any person whose tax liability is one thousand dollars or more annually, shall file the~~
22 ~~return and remit the tax on or before the twentieth day of the month following each~~
23 ~~monthly period;~~

24 ~~—(2)—~~ Any person whose tax liability is less than one thousand dollars annually, shall ~~file the~~

1 ~~return and~~ remit the tax by electronic transfer to the state and shall file the return by
2 electronic means. The person shall file the return on or before the ~~last~~ twenty-third
3 day of the month following each two-month period and remit the tax on or before the
4 second to the last day of the month following each two-month period;

5 ~~(3)(2)~~ Any person whose tax liability is one thousand dollars or more annually ~~and who~~
6 ~~remits,~~ shall remit the tax by electronic transfer to the state; and shall file the return
7 by electronic means. The person shall file the return on or before the twenty-third day
8 of the month following each monthly period and remit the tax on or before the second
9 to the last day of the month following each monthly period.

10 The secretary of revenue may grant an exception from the requirement to file and pay
11 electronically for hardship. The secretary of revenue may grant an extension of not more than
12 five days for filing a return and remittance. Unless an extension is granted, the person with the
13 tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is
14 not made on time.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0224

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 37** - 01/21/2003

Introduced by: The Committee on Transportation at the request of the Department of
Revenue

1 FOR AN ACT ENTITLED, An Act to require the issuance of a unique identifier to certain
2 motor vehicle owners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any owner of a motor vehicle which is used to transport passengers or property
5 and meets one of the following:

6 (1) Has a gross combination weight rating of 26,001 pounds or more, inclusive of a
7 towed unit;

8 (2) Has a gross vehicle weight rating of 26,001 pounds or more;

9 (3) Is designed to transport sixteen or more passengers, including the driver; or

10 (4) Is of any size and is used in the transportation of materials found to be hazardous for
11 the purposes of the Hazardous Materials Transportation Act and which require the
12 motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R.
13 part 172, subpart R) as of January 1, 2003;

14 shall at the time of registration either provide their United States Department of Transportation
15 assigned carrier number or be assigned a South Dakota number. An applicant who does not have



1 a United States Department of Transportation number or a South Dakota assigned number shall
2 apply for a number at the time of registration by completing an application form prescribed by
3 the secretary. Anyone wishing to obtain a unique identifier for vehicles 26,000 pounds or less
4 for the purpose of registering the units may do so upon completion of an application form.

5 Section 2. Any South Dakota number assigned pursuant to this Act may be, but is not
6 required to be, displayed on the outside of the vehicle. Upon request of an authorized agent or
7 enforcement agent, the owner of the vehicle shall make available the assigned number. The
8 owner of the vehicle shall notify the department if there is a change to the owner's assigned
9 number.

10 Section 3. If the owner fails to report or apply for either the United States Department of
11 Transportation number or the South Dakota number as required by this Act, the department shall
12 suspend the owner's registration.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

527I0099

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 57** - 01/27/2003

Introduced by: Senators Sutton (Dan), Abdallah, Duxbury, Earley, Ham, Jaspers, Kooistra, and Nachtigal and Representatives Nesselhuf, Adelstein, Christensen, Fryslie, Garnos, Gassman, Hargens, Hennies, Lange, Murschel, Pederson (Gordon), Rave, Schafer, Sebert, Van Gerpen, and Williamson

1 FOR AN ACT ENTITLED, An Act to provide for the temporary replacement of certain elected
2 officials called for active duty in the armed forces and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If any member of a municipal governing body, who is a member of the South Dakota
7 National Guard or another reserve component of the armed forces of the United States, is called
8 into active duty thus rendering such person unable to attend meetings of the governing body, a
9 temporary vacancy exists on the municipal governing body. The municipal governing body shall
10 appoint a temporary replacement to serve until the member returns from active duty or until the
11 expiration of the term, whichever time period is shorter. A majority of the municipal governing
12 body shall approve the appointment of the temporary replacement before the replacement may
13 serve. In the aldermanic form of municipal government, the appointment shall be a person from
14 the same ward.



1 Section 2. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 If any member of a board of county commissioners, who is a member of the South Dakota
4 National Guard or another reserve component of the armed forces of the United States, is called
5 into active duty thus rendering such person unable to attend meetings of the board, a temporary
6 vacancy exists on the board. The board of county commissioners shall appoint a person as a
7 temporary replacement to serve until the member returns from active duty or until the expiration
8 of the term, whichever time period is shorter. A majority of the board shall approve the
9 appointment of person as the temporary replacement before the person may serve. If the member
10 is elected from a district, the appointment shall be a person from the same district of the county.

11 Section 3. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If any member of a school board, who is a member of the South Dakota National Guard or
14 another reserve component of the armed forces of the United States, is called into active duty
15 thus rendering such person unable to attend meetings of the board, a temporary vacancy exists
16 on the board. The school board shall appoint a person as a temporary replacement to serve until
17 the member returns from active duty or until the expiration of the term, whichever time period
18 is shorter. A majority of the board shall approve the appointment of person as the temporary
19 replacement before the person may serve. If the member is elected from a representation area,
20 the appointment shall be a person from the same representation area.

21 Section 4. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 If any member of a township board of supervisors, who is a member of the South Dakota
24 National Guard or another reserve component of the armed forces of the United States, is called

1 into active duty thus rendering such person unable to attend meetings of the board of
2 supervisors, a temporary vacancy exists on the board. The township board of supervisors shall
3 appoint a person as a temporary replacement to serve until the member returns from active duty
4 or until the expiration of the term, whichever time period is shorter. A majority of the board shall
5 approve the appointment of person as the temporary replacement before the person may serve.

6 Section 5. That chapter 3-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If any member of a board of trustees of a special purpose district, who is a member of the
9 South Dakota National Guard or another reserve component of the armed forces of the United
10 States, is called into active duty thus rendering such person unable to attend meetings of the
11 board of trustees, a temporary vacancy exists on the board. The board of trustees shall appoint
12 a person as a temporary replacement to serve until the member returns from active duty or until
13 the expiration of the term, whichever time period is shorter. A majority of the board shall
14 approve the appointment of person as the temporary replacement before the person may serve.

15 Section 6. Whereas, this Act is necessary for the immediate preservation of the public peace,
16 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
17 effect from and after its passage and approval.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

545I0155

SENATE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **SB 59** - 01/27/2003

Introduced by: Senator Napoli and Representative Haverly

1 FOR AN ACT ENTITLED, An Act to transfer from the county register of deeds to the county
2 treasurer certain administrative duties regarding titles for vehicles and boats.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-3-28 be amended to read as follows:

5 32-3-28. The secretary shall issue the certificate of title in triplicate. One copy shall be
6 retained by the secretary and the other copy shall be transmitted either by mail or electronically
7 by computer, postage prepaid, on that day to the county ~~register of deeds~~ treasurer of the county
8 in which the motor vehicle, trailer, or semitrailer is to be kept. The secretary shall sign the
9 original certificate of title and deliver the certificate to the owner named on it or as otherwise
10 directed by the owner. If there are one or more liens on the motor vehicle, trailer, or semitrailer,
11 the secretary shall properly note the same in the order of their priority on the certificate of title
12 which shall be delivered or mailed to the owner named on it or as otherwise directed by the
13 owner. Secured parties, if any, shall be mailed or delivered conspicuous notification of their
14 security interest as filed and noted on the certificate of title.

15 Section 2. That § 32-3-33 be amended to read as follows:



1 32-3-33. If, after a certificate of title has been issued for a motor vehicle, trailer, or
2 semitrailer, the county in which it is kept for use shall be changed, then upon application of the
3 owner, so stating, the secretary may authorize the transfer of the duplicate certificate of title from
4 the office of the ~~county register of deeds~~ treasurer of the county in which it was formerly kept
5 to the county where the motor vehicle, trailer, or semitrailer is presently kept. Thereafter the
6 county ~~register of deeds~~ treasurer of the county in which such duplicate title certificate is
7 transferred shall perform the duties imposed by this chapter. However, the keeping of a duplicate
8 certificate of title in the office of the ~~county register of deeds~~ treasurer of a county in which the
9 motor vehicle, trailer, or semitrailer is not actually kept may not affect the validity of the title or
10 of any contract, lien, or encumbrance upon the motor vehicle, trailer, or semitrailer described in
11 the certificate.

12 Section 3. That § 32-3-34 be amended to read as follows:

13 32-3-34. The ~~register of deeds and the~~ county treasurer shall assist in the administration of
14 this chapter and perform such duties in connection therewith as may be required by the secretary.

15 Section 4. That § 32-3-38 be amended to read as follows:

16 32-3-38. The holder of a mortgage, trust receipt, conditional sales contract, mechanic's lien,
17 or similar instrument, upon presentation of the certificate of title to the office of the titled owner's
18 county ~~register of deeds~~ treasurer, together with the fee prescribed by this chapter, may have a
19 notation of the lien made on the certificate of title. The ~~county register of deeds~~ treasurer shall
20 enter the notation and the date thereof over the signature of the officer or deputy and the seal
21 of office. The ~~register of deeds~~ treasurer on that day shall notify the department, ~~which~~. The
22 department shall note the lien on the state's computer system, if the county ~~register of deeds~~
23 treasurer has not done so.

24 Section 5. That § 32-3-41 be amended to read as follows:

1 32-3-41. A security interest, mechanic's lien, or similar instrument other than a financing
2 statement covering a motor vehicle, trailer, or semitrailer if notation of same has been made by
3 the seller, buyer, owner, holder of the instrument, or an agent of the secretary on the
4 manufacturer's statement of origin or the manufacturer's certificate of origin, or in the case of the
5 certificate of title, if a notation of same has been made by the secretary, an agent of the secretary,
6 ~~the county register of deeds~~, or a county treasurer on the face thereof or if notation of same has
7 been made by the seller, buyer, owner, holder of the instrument, or agent of the secretary on the
8 reverse thereof, shall be valid against the creditors of the debtor, whether armed with process
9 or not, and subsequent purchasers and other lien holders or claimants, but otherwise is not valid
10 against them.

11 Section 6. That § 32-3-43 be amended to read as follows:

12 32-3-43. The county ~~register of deeds~~ treasurer, upon receipt of a lien or title instrument duly
13 executed in the manner prescribed by law governing such instruments, together with the fee
14 prescribed for notation thereof which is nonrefundable, shall notify the holder of the certificate
15 of title to deliver to the ~~county register of deeds~~ treasurer, within fifteen days from the date of
16 notice, the certificate of title to permit notation of a lien, and, if necessary, the issuance of a new
17 certificate of title provided in § 32-3-36. After the notation of lien the ~~county register of deeds~~
18 treasurer shall deliver the certificate of title to the owner or as otherwise directed by the owner.
19 The secured party shall be mailed or delivered notification of ~~his~~ the party's security interest as
20 filed and noted on the certificate of title. The holder of a certificate of title who refuses to deliver
21 a certificate of title to the ~~county register of deeds~~ treasurer for the purpose of showing the lien
22 on the certificate of title within fifteen days from the date when notified to do so by the ~~county~~
23 ~~register of deeds~~ treasurer, is liable for damages to the lien holder for the amount of damages the
24 lien holder suffered by reason of the holder of the certificate of title refusing to permit the

1 showing of the lien on the certificate of title.

2 Section 7. That § 32-3-44 be amended to read as follows:

3 32-3-44. If a lien is discharged, the lien holder shall execute a release within twenty days after
4 final payment is received, the release shall contain the certificate of title number and the date of
5 the notation. The lien holder shall deliver the release (and certificate of title if held by him) to any
6 county ~~register of deeds who~~ treasurer. The treasurer shall note the cancellation of the lien on
7 the face of the certificate of title and on the same day shall notify the secretary, ~~who~~. The
8 secretary shall cancel the lien on the state's computer system, if the county ~~register of deeds~~
9 treasurer has not done so. If the certificate of title is lost as set forth in § 32-3-29, application
10 for duplicate title may be forwarded along with the release to the department, ~~which~~. The
11 department shall cancel the lien. For failure to comply with these provisions relating to releasing
12 a lien, the lien holder shall be liable to the owner for all damages sustained by ~~him~~ the owner. The
13 county ~~register of deeds~~ treasurer shall mail or deliver the certificate of title to the owner, or as
14 otherwise directed by the owner. Upon the satisfaction of a security interest in a motor vehicle,
15 trailer or semitrailer for which the certificate of title is in the possession of the owner, the secured
16 party shall within twenty days after final payment is received, execute a release of security
17 interest on the form prescribed by the department and mail or deliver such release to the owner
18 or as otherwise directed by the owner.

19 Section 8. That § 32-3-45 be amended to read as follows:

20 32-3-45. The county ~~registers of deeds~~ treasurer shall charge a fee of five dollars for each
21 notation of any lien on a certificate of title. No fee may be charged for the cancellation of such
22 lien. The lien fee shall be accounted for in the same manner as other fees of their office.

23 Section 9. That § 32-3-46 be amended to read as follows:

24 32-3-46. Liens on motor vehicles, trailers, or semitrailers as defined in § 32-3-35 may be

1 enforced or foreclosed in accordance with the procedural law applicable to each kind of lien. It
2 ~~shall~~ is not ~~be~~ necessary that a lien be filed for record as a condition precedent to foreclosure if
3 ~~such~~ the lien has been duly noted on the certificate of the title of the motor vehicle, trailer, or
4 semitrailer; ~~and any.~~ Any notice of sale, sale, or report of sale required by the applicable
5 procedural law may be published, held, or filed in the county specified by ~~such~~ the law, or if not
6 there specified, then in the county where a copy of the certificate of title is kept by the ~~register~~
7 ~~of deeds~~ treasurer as provided by § 32-3-28. Further, if the lien holder verifies in writing that the
8 owner of the collateral did not surrender the certificate of title, ~~such~~ the affidavit shall be
9 accepted as prima facie evidence of the lien; and may be used in lieu of the certificate of title, and
10 the certificate of title need not be surrendered at the time of foreclosure.

11 Section 10. That § 32-3-49 be amended to read as follows:

12 32-3-49. Upon cancellation of any certificate of title, the secretary shall notify the county
13 ~~register of deeds~~ treasurer of the county where the duplicate certificate of title of the vehicle,
14 trailer, or semitrailer is involved was kept. The ~~county register of deeds~~ treasurer shall thereupon
15 enter the cancellation upon ~~his~~ the treasurer's records. The secretary shall also notify the person
16 to whom the certificate of title was issued as well as any lien holder appearing thereon of the
17 cancellation and shall demand the surrender of the certificate of title ~~but the.~~ However, the
18 cancellation may not affect the validity of any lien noted thereon. The holder of the certificate
19 shall return same to the secretary forthwith.

20 Section 11. That § 32-3A-45 be amended to read as follows:

21 32-3A-45. The county ~~register of deeds~~ treasurer, upon receipt of a lien or title instrument
22 duly executed in the manner prescribed by law governing such instruments, together with the fee
23 prescribed for notation thereof which is nonrefundable, shall notify the holder of the certificate
24 of title to deliver to the ~~county register of deeds~~ treasurer, within fifteen days from the date of

1 notice, the certificate of title to permit notation of the lien, and if necessary, the issuance of a new
2 certificate of title. After the notation of the lien, the ~~county register of deeds~~ treasurer shall
3 deliver the certificate of title to the owner or as otherwise directed by the owner. The secured
4 party shall be mailed or delivered notification of ~~his~~ the party's security interest as filed and noted
5 on the certificate of title. ~~The~~ Any holder of the certificate of title who refuses to deliver the
6 certificate of title to the ~~county register of deeds~~ treasurer for purposes of showing the lien on
7 the certificate of title within fifteen days from the date notified to do so by the ~~county register~~
8 ~~of deeds~~ treasurer is liable for damages to the lien holder for the amount of damage the lien
9 holder suffered by reason of the holder of the certificate of title refusing to permit the showing
10 of the lien on the certificate of title.

11 Section 12. That § 32-3A-46 be amended to read as follows:

12 32-3A-46. If a lien is discharged, the lien holder shall execute a release, ~~which shall contain~~
13 ~~the certificate of title number and the date of the notation,~~ within twenty days after the final
14 payment is received. The release shall contain the certificate of title number and the date of the
15 notation. The lien holder shall deliver the release and certificate of title if held by ~~him~~ the lien
16 holder to any county ~~register of deeds who~~ treasurer. The treasurer shall note the cancellation
17 of the lien on the face of the certificate of title, and on the same day shall notify the secretary;
18 ~~who.~~ The secretary shall cancel the lien on the state's computer system, if the ~~county register of~~
19 ~~deeds~~ treasurer has not done so. If the certificate of title is lost as set forth in § 32-3-29,
20 application for duplicate title may be forwarded along with the release to the department;
21 ~~which.~~ The department shall cancel the lien. Upon the satisfaction of a security interest on a large
22 boat for which the certificate of title is in the possession of the owner, the secured party shall
23 within twenty days after final payment is received, execute a release of security interest on the
24 form prescribed by the department and mail or deliver ~~such~~ the release to the owner or as

otherwise directed by the owner.

Section 13. That § 32-3A-48 be amended to read as follows:

32-3A-48. The ~~register of deeds and the~~ county treasurer shall assist in the administration of this chapter and perform such duties in connection therewith as may be required by the secretary.

Section 14. That § 32-4-8 be amended to read as follows:

32-4-8. No person may have in ~~his~~ possession any blank or partially executed "certificate of title and registration," "certificate of registration," "certificate of title," or other similarly styled form or document, whether genuine or counterfeit, of this or any other state or country, which is of a type that, when genuine and properly issued, evidences ownership of a vehicle under the laws of this or another state or country, and surrender of which is required in order to sell, transfer, register, or title a motor vehicle or trailer in this state.

Except, a person may possess such forms or documents if ~~he~~ the person is:

- (1) An employee of a manufacturer or printer of the form or document and possesses the form or document in the normal course of the business of design or manufacture in connection with bid invitation, bid, or contract with a government agency related to supplying the forms for governmental use;
- (2) An employee of a shipper or agency under whose direction the forms are being shipped or delivered to a state or local agency charged with receiving, distributing, or issuing the forms or documents, when they are in a container sealed under governmental direction;
- (3) An employee of a state agency who possesses the forms or documents in the course of carrying out ~~his~~ the employee's official duties;
- (4) A county treasurer or ~~register of deeds or their employees~~ any employee of the

1 treasurer whose official work duties require the handling of the forms or documents
2 and ~~he~~ the treasurer or employee possesses them within the confines of the county's
3 official storage space or immediately incidental to placing them in such places;

4 (5) In possession of the form or document and it is prominently and indelibly marked on
5 its face, either ~~"specimen," "void," or "sample."~~ specimen, void, or sample.

6 A violation of this section is a Class 6 felony.

7 Section 15. That § 32-3A-30 be amended to read as follows:

8 32-3A-30. A security interest created in this state in a large boat, and as defined by
9 §§ 42-8-71 to 42-8-74, inclusive, and §§ 42-8-76 to 42-8-84, inclusive, on and after March 1,
10 1992, is not perfected until the security interest is noted on the certificate of title. On or after
11 July 1, 1993, a security interest created in this state on a large boat, as defined in § 42-8-2,
12 exclusive of a motorboat is not perfected until the security interest is noted on the certificate of
13 title. On or after July 1, 1994, a security interest created in this state on a large boat, as defined
14 in § 42-8-2, is not perfected until the security interest is noted on the manufacturer's statement
15 of origin, on the manufacturer's certificate of origin, or on the certificate of title. To perfect the
16 security interest, a copy of the security agreement shall be presented along with the
17 manufacturer's statement of origin, the manufacturer's certificate of origin, or the original title.
18 The secretary of revenue, an agent of the secretary, the county treasurer, the register of deeds,
19 or the seller, buyer, owner, or holder of the manufacturer's statement of origin, the
20 manufacturer's certificate of origin, or the certificate of title shall note the security interest at any
21 place on the manufacturer's statement of origin, the manufacturer's certificate of origin, or the
22 certificate of title. If so noted, the lien is perfected against the creditors of the debtor, is valid
23 against the creditors of the debtor, whether armed with process or not, and subsequent
24 purchasers and other lien holders or claimants, but otherwise is not valid against them. The fee

1 for noting the lien is five dollars. The fees shall be credited to the county general fund. The
2 certificate of title shall be presented to the county ~~register of deeds~~ treasurer if a lien is to be
3 noted on an existing certificate of title.

4 The owner shall present the certificate of title to the county ~~register of deeds~~ treasurer when
5 a release statement is filed.

6 Section 16. That § 32-3A-32 be amended to read as follows:

7 32-3A-32. The owner of a large boat not yet subject to the titling requirements of
8 §§ 32-3A-20 to 32-3A-23, inclusive, and §§ 32-3A-24 to 32-3A-32, inclusive, may apply to the
9 county treasurer of the owner's residence for a certificate of title for the large boat. If there are
10 one or more liens on the large boat, the department shall note the liens on the certificate of title
11 in order of their priority and shall deliver or mail the certificate of title to the owner or as
12 otherwise directed by the owners.

13 Upon issuance of the certificate of title for the large boat, the large boat shall thereafter be
14 subject to the requirements of §§ 32-3A-20 to 32-3A-23, inclusive, and §§ 32-3A-24 to
15 32-3A-32, inclusive, as though the boat was required to be titled.

16 The owner shall present the certificate of title to the county ~~register of deeds~~ treasurer when
17 a release statement is filed and a new or endorsed certificate shall be issued to the owner.